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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,498	09/28/2001	Shinji Kikuchi	Q66458	2543

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SUGHRUE, MION, ZINN
MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

BADII, BEHRANG

ART UNIT	PAPER NUMBER
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3694

MAIL DATE	DELIVERY MODE
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09/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/964,498	Applicant(s) KIKUCHI, SHINJI	
	Examiner Behrang Badii	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/21/05, 5/25/05, 11/20/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of claims 1-8 in the reply filed on 8/2/07 is acknowledged.

The requirement is still deemed proper and is therefore made FINAL. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claims 9-32 are hereby withdrawn from further consideration.

Claims 1-8 have been examined.

P = paragraph, e.g. p1 = paragraph 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 rejected under 35 U.S.C. 103(a) as being unpatentable over Schneier et al., USP 5,956,404, and further in view of Gavarini, USPAP 2006/0184430.

As per claim 1, Schneier discloses an electronic commerce transaction audit system comprising: a plurality of electronic notarize means, connected to each other via a network, for uniformly stamping time on all exchange messages between electronic commerce transaction entities to record and store said stamped time, and said electronic notarize means vie with each other to take a mutual notarization of said all

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exchange messages (abstract; col.4, 1-26; Fig.3; col.5, 41-55; col.10, 16-61; claim 4).

Schneier does not disclose messages recorded and stored. Gavarini discloses messages recorded and stored. It would have been obvious to modify Schneier to include messages recorded and stored such as that taught by Gavarini in order to allow a customer and a merchant to send messages to one another that are linked to a particular order, and to view an order-specific log of such messages. This feature may, for example, be used to facilitate negotiations between the customer and the merchant in connection with an order placed by the customer (p1).

As per claim 2, Schneier further discloses transaction log collect means for automatically collecting all exchange messages notarized and recorded by said plurality of electronic notarize means and for verifying reliability of said all collected exchange messages, whereby determining an event occurred in the entire network area (abstract; col.4, 1-26; Fig.3; col.5, 41-55; col.10, 16-61; claim 4).

As per claim 3, Schneier further discloses log analyze means for comparing the event occurred in the entire network area and verified and determined by said transaction log collect means with an event grasped in advance and to be generated in the entire network area, whereby auditing conformity with specifications on the electronic commerce transaction between the respective electronic commerce transaction entities (abstract; col.4, 1-26; Fig.3; col.5, 41-55; col.10, 16-61; claim 4).

As per claim 4, Schneier further log analyze means for obtaining time that elapses before a response message is returned after receiving a request message in connection with the event occurred in the entire network area and verified and

determined by said transaction log collect means, whereby auditing a respond reaction ability of each electronic commerce transaction entity (abstract; col.4, 1-26; Fig.3; col.5, 41-55; col.10, 16-61; claim 4).

As per claim 5, Schneier further log analyze means for calculating a frequency of occurrence of an abnormal response in connection with the event occurred in the entire network area and verified and determined by said transaction log collect means, whereby auditing an abnormal response processing ratio of each electronic commerce transaction entity (abstract; col.4, 1-26; Fig.3; col.5, 41-55; col.10, 16-61; claim 4).

As per claim 6, Schneier further cumulative estimation control means for recording said audit result obtained by said log analyze means to be associated with an identifier of each electronic commerce transaction entity; and audit information service means, when there is a provision request for audit information that has specified said identifier of electronic commerce transaction entity, for extracting said audit result recorded to be associated with the corresponding identifier from said cumulative estimation control means so as to provide the extracted audit result as audit information (abstract; col.4, 1-26; Fig.3; col.5, 41-55; col.10, 16-61; claim 4).

As per claim 7, Schneier further cumulative estimation control means for recording said audit result obtained by said log analyze means to be associated with an identifier of each electronic commerce transaction entity; and audit information service means, when there is a provision request for audit information that has specified said identifier of electronic commerce transaction entity, for extracting said audit result recorded to be associated with the corresponding identifier from said cumulative

estimation control means so as to provide the extracted audit result as audit information (abstract; col.4, 1-26; Fig.3; col.5, 41-55; col.10, 16-61; claim 4).

As per claim 8, Schneier further cumulative estimation control means for recording said audit result obtained by said log analyze means to be associated with an identifier of each electronic commerce transaction entity; and audit information service means, when there is a provision request for audit information that has specified said identifier of electronic commerce transaction entity, for extracting said audit result recorded to be associated with the corresponding identifier from said cumulative estimation control means so as to provide the extracted audit result as audit information (abstract; col.4, 1-26; Fig.3; col.5, 41-55; col.10, 16-61; claim 4).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Francoeur et al. (U.S. patent application publication 2002/0065695) discloses an architecture and method for constructing Digital Chains of Trust for e-commerce comprising integrated, universal modeling, design and evaluation framework for building DCTs for e-Business Processes that provides creation, management, and preservation of legally admissible evidence of electronic events in transactions by employing object-oriented "Trust Building Blocks" having pre-defined functions, inter-connectivity protocols, real-time feedback features, decision support options, and trust standards. It employs an end-to-end design, operation, and audit frame-work: to identify the risk drivers; to establish the necessary trust standards to acceptably

mitigate each risk; to ensure the legal enforceability of electronic acts; to generate forensic evidence; and to provide audit metrics for operational compliance. It provides independently verifiable, auditable, legally admissible evidence proving the sequence and nature of electronic events of: identity (who), content (what), time-of-event (when), enforceability (how each event transpired and its compliance to legislative and industry standards), and control of access to assure privacy and confidentiality **which has been rejected by the office.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrang Badii whose telephone number is 571-272-6879. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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or faxed to (571)273-8300


Hand delivered responses should be brought to

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Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application
or proceeding should be directed to the Technology Center 3600 Customer Service
Office whose telephone number is **(571) 272-3600**.

Behrang Badii
Patent Examiner
Art Unit 3694

BB


ELLA COLBERT
PRIMARY EXAMINER